IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

OP.No. 13744 of 2001(J)

PETITIONER:

P.K.THAMPI,
AGED 50 YEARS,
S/O.THANKAPPAN,
DRIVER – HEAD CONSTABLE,
A.R. CAMP, PATHANAMTHITTA.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

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1. DISTRICT SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.

2. ASSISTANT COMMANDANT,
A.R.CAMP, PATHANAMTHITTA.

BY GOVERNMENT PLEADER, SMT.SMITHA SUKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 13744 of 2001(J)

APPENDIX

ORDER ON C.M.P.NO.21897/2001 IN OP.No. 13744 of 2001(J)

CLOSED.

SD/-THOTTATHIL B.RADHAKRISHNAN, JUDGE

13/06/2007

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PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE CHARGE MEMO ISSUED BY PETITIONER.

EXT.P2 TRUE COPY OF THE PAGE NO.1, 2, 41, 42 AND 43 OF THE ENQUIRY REPORT SUBMITTED BY A.R. CAMP SUB INSPECTOR, PATHANAMTHITTA.

EXT.P3 TRUE COPY OF THE ORDER NO.H1/40/P.R./99 N, DATED 6/12/2000, OF THE 1ST RESPONDENT.

EXT.P4 TRUE COPY OF THE NOTICE NO.E2-34456/98-N, DATED 9/99, ISSUED BY THE 1ST RESPONDENT.

EXT.P5 TRUE COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER DATED 10/99.

EXT.P6 TRUE COPY OF THE ORDER NO.R2-34486/98-N, DATED 8/3/2001 OF THE 1ST RESPONDENT.

\\TRUE COPY//

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 13744 of 2001 (J)

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Dated this the 13th day of June, 2007

J U D G M E N T

The petitioner challenges recovery from his pay. By an interim order, in I.A.No.21897/2001, dated 02/05/2001, an order of stay of further recovery was granted. On 19/01/2005, it was also ordered that the interim order of stay does not precludes the right of the Government to make recoveries as may be admissible from the retiral benefits of the petitioner.

2. As per the impugned Ext.P3, the petitioner, who was a police constable driver, was found to have caused loss to the department, by making false entries in relation to utilisation of oil for the vehicle. This resulted in Ext.P6 decision, whereby, the repair charges for the departmental vehicle amounting to Rs.19,959/- was to be recovered from the petitioner. It is the case of the petitioner that Ext.P2 order of the disciplinary authority disagreeing with the findings of the fact finding authority is unsustainable, and that the order for recovery in the

form of Ext.P3 is also unsustainable, since the authority found that the barring of one increment would be sufficient punishment. Having regard to the nature of the allegations and the findings against the petitioner in a uniform service and having regard to the amount involved, I find no ground to interfere with the impugned orders.

Original petition fails and the same is, accordingly, dismissed.

THOTTATHIL B.RADHAKRISHNAN
Judge

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 13744 of 2001 (J)

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J U D G M E N T

13th June, 2007